

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

BIO-RAD LABORATORIES, INC. and  
PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE

Plaintiffs,

v.

10X GENOMICS, INC.,

Defendant.

C.A. No. 1:19-cv-12533-WGY

10X GENOMICS, INC.,

Counterclaim Plaintiff,

and

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE,

Counterclaim Co-Plaintiff as to  
certain claims,

v.

BIO-RAD LABORATORIES, INC.,

Counterclaim Defendant,

and

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE,

Counterclaim Co-Defendant as to DJ  
counterclaims.

**STIPULATION FOR AN EXTENSION OF TIME FOR COUNTERCLAIM CO-  
PLAINTIFFS TO FILE RULE 12(f) MOTION**

Bio-Rad Laboratories, Inc. (“Bio-Rad”) filed its answer to 10X’s Second Amended Counterclaims on September 16, 2020. *See* ECF No. 166. 10X Genomics, Inc. (“10X”) and President and Fellows of Harvard College (“Harvard”) are counterclaim co-plaintiffs with respect

to Counts XIV and XV of the Second Amended Counterclaims, and with respect to any of Bio-Rad's affirmative defenses directed at those counterclaims. *See* ECF No. 166 at 34 (20<sup>th</sup> – 23<sup>rd</sup> Affirmative Defenses). At this time, the parties are conferring regarding Bio-Rad's 21<sup>st</sup> Affirmative Defense to resolve remaining issues. Accordingly, 10X, Harvard, and Bio-Rad, by and through counsel, hereby stipulate and request that 10X and Harvard have an extension of time from October 7, 2020, to October 14, 2020, to file a Rule 12(f) motion directed to Bio-Rad's 21<sup>st</sup> Affirmative Defense (ECF No. 166, p. 34 ¶ 128). No prior extensions have been granted on this filing.

Date: October 6, 2020

Respectfully submitted,

/s/ Stefani C. Smith

Matthew D. Powers (*pro hac vice*)  
Paul T. Ehrlich (*pro hac vice*)  
Stefani C. Smith (*pro hac vice*)  
Robert L. Gerrity (*pro hac vice*)  
Jennifer K. Robinson (*pro hac vice*)  
Natasha M. Saputo (*pro hac vice*)  
Gina Cremona (*pro hac vice*)  
Utsav Gupta (*pro hac vice*)  
Daniel Radke (*pro hac vice*)  
TENSEGRITY LAW GROUP, LLP  
555 Twin Dolphin Drive, Suite 650  
Redwood Shores, CA 94065  
Telephone: (650) 802-6000  
Facsimile: (650) 802-6001  
10x\_BR\_MA\_Service@tensegritylawgroup.com

Azra M. Hadzimehmedovic (*pro hac vice*)  
Aaron M. Nathan (*pro hac vice*)

Sarah Chapin Columbia (BBO #550155)  
Katrina Rogachevsky (BBO #691373)  
Annabel Rodriguez (BBO #696001)  
MCDERMOTT WILL & EMERY LLP  
200 Clarendon Street, Floor 58  
Boston, Massachusetts 02116-5021  
Telephone: (617) 535-4000  
Facsimile: (617) 535-3800  
10X-BR-MWE@mwe.com

Leah Brannon (*pro hac vice*)  
Kenneth Reinker (*pro hac vice*)  
CLEARY GOTTlieb  
2112 Pennsylvania Avenue, NW  
Washington, DC 20037  
Telephone: (202) 974-1500  
Facsimile: (202) 974-1999  
Team-10x-Genomics-Litigation-  
CGSHOnly@cgsh.com

Samantha A. Jameson (*pro hac vice*)  
Kiley White (*pro hac vice*)  
TENSEGRITY LAW GROUP, LLP  
8260 Greensboro Drive, Suite 260  
McLean, VA 22102  
Telephone: (703) 940-5033  
Facsimile: (650) 802-6001  
10x\_BR\_MA\_Service@tensegritylawgroup.com

*Counsel for 10X Genomics, Inc.*

/s/ Derek C. Walter  
Edward Reines  
Derek C. Walter  
Prachi Mehta  
Eric A. Rivas  
Weil, Gotshal & Manges LLP  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Tel: 650-802-3000  
Fax: 650-802-3022  
bio-rad.10x.ma@weil.com

Patrick J. O'Toole, Jr.  
Weil, Gotshal & Manges LLP  
100 Federal Street  
Boston, MA 02110  
Tel: 617-772-8365  
Fax: 617-772-8333  
bio-rad.10x.ma@weil.com

Eric S. Hochstadt  
Xiaoxi Tu  
Scott T. Christopher  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
Room 2421  
New York, NY 10153  
Tel: (212) 310-8538  
Fax: (212) 310-8007  
bio-rad.10x.ma@weil.com

Garland Stephens

/s/ Geoffrey M. Raux  
Geoffrey M. Raux (BBO# 674788)  
Michael J. Tuteur (BBO#543780)  
Ruben J. Rodrigues (BBO# 676573)  
FOLEY & LARDNER LLP  
111 Huntington Avenue  
Boston, Massachusetts 02199  
T: 617.342.4000  
F: 617.342.4001  
BOST-F-Harvard-Bio-Rad10X@foley.com  
graux@foley.com  
mtuteur@foley.com  
rrodrigues@foley.com

*Counsel for President and Fellows of Harvard College*

Justin Constant  
Weil, Gotshal & Manges LLP  
700 Louisiana Street  
Suite 1700  
Houston, TX 77002  
Tel: (713) 546-5011  
bio-rad.10x.ma@weil.com

Audra Sawyer  
Weil, Gotshal & Manges LLP  
2001 M Street NW,  
Suite 600,  
Washington, DC 20036  
Tel: (202) 682-7274  
Fax: (202) 857-0940  
bio-rad.10x.ma@weil.com

David S. Godkin  
James E. Kruzer  
Birnbaum & Godkin, LLP  
470 Atlantic Avenue, 4<sup>th</sup> Floor  
Boston, MA 02210  
Tel: 617-307-6100  
Fax: 617-307-6101  
kruzer@birnbaumgodkin.com  
godkin@birnbaumgodkin.com

*Counsel for Bio-Rad Laboratories, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on October 6, 2020, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will issue an electronic notification of filing to all counsel of record.

/s/ Stefani C. Smith

Stefani C. Smith